

**MORRISON | FOERSTER**

2000 PENNSYLVANIA AVE., NW  
WASHINGTON, D.C.  
20006-1888

TELEPHONE: 202.887.1500  
FACSIMILE: 202.887.0763

WWW.MOFO.COM

MORRISON & FOERSTER LLP  
BEIJING, BERLIN, BOSTON,  
BRUSSELS, DENVER, HONG KONG,  
LONDON, LOS ANGELES, NEW YORK,  
NORTHERN VIRGINIA, PALO ALTO,  
SAN DIEGO, SAN FRANCISCO, SHANGHAI  
SINGAPORE, TOKYO, WASHINGTON, D.C.

December 10, 2020

Writer's Direct Contact  
+1 (202) 887.1551  
nflemingnolen@mofo.com

Via ECF

The Honorable William G. Young  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 2300  
Boston, Massachusetts 02210

Re: *VRLC v. DeVos*, No. 1:20-cv-11104 (D. Mass.)

Dear Judge Young:

Counsel for Plaintiffs submit this letter to the Court to provide a brief update regarding the status of the Title IX investigation that is ongoing with respect to Plaintiff Mary Doe.

As Your Honor is aware, Mary Doe, a student at a small four-year college in North Carolina, submitted a Title IX complaint to her school following a sexual assault that occurred after the Final Rule's effective date. Mary Doe has recently been informed that her school has completed its investigative report and that her Title IX hearing will likely be scheduled for the first or second week of January 2021.

In view of the above, we thought it prudent to advise the Court about these developments. Among other things, as the briefing and oral argument in this case highlighted, the Final Rule creates an unacceptable risk that important evidence relevant to Mary Doe's Title IX complaint (including the rape kit, police report, and even her assailant's own text messages) will be excluded from consideration at her Title IX hearing.

If it would assist the Court, we stand ready to submit an amended declaration that reflects the recent factual developments relating to Mary Doe (including the scheduling developments, her recent departure from campus due to safety concerns, and the emergence of a second victim by the same assailant) and that reinforces the concrete harms that she (and many other survivors) faces in absence of the injunctive relief sought in this litigation.

**MORRISON** | **FOERSTER**

December 10, 2020  
Page Two

Sincerely,

/s/ David Newman

David Newman  
Morrison & Foerster LLP

*Counsel for Plaintiffs*

cc: All counsel of record (via ECF)